

REMARKS

Claims 1-9 remain in the present application. Claims 1, 3 and 5 are amended herein. Applicant respectfully submits that no new matter has been added as a result of the claim amendments. Applicant respectfully requests further examination and reconsideration of the rejections based on the amendments and arguments set forth below.

Claim Rejections – 35 U.S.C. §103

Claims 1-9 are rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over United States Patent Number 6,306,317 to Richards et al. (hereafter referred to as “Richards”). Applicant has reviewed the cited reference and respectfully asserts that the embodiments of the present invention as recited in Claims 1-9 are not rendered obvious by Richards for the following reasons.

Applicant respectfully directs the Examiner to independent Claim 1 that recites a method for fabricating fire retardant composite panels, comprising (emphasis added):

creating a water-based slurry comprising a boron salt solution and a plurality of suspended boron salt particles;
adding an adhesive to a ligneous material; and
introducing said water-based slurry to said ligneous material for fire retarding thereof, wherein said introducing is performed separately from said adding.

Claims 2-9 depend from independent Claim 1 and recite further limitations to the claimed invention.

Applicant respectfully asserts that Richards fails to teach or suggest the limitation of “creating a water-based slurry comprising a boron salt solution and a plurality of suspended boron salt particles” as recited in independent Claim 1. As recited in the present application, a water-based slurry comprising suspended boron salt particles may be added to a ligneous material for fire retarding thereof.

In contrast to the claimed invention, Applicant understands the cited portion of Richards to teach the use of an aqueous solution providing fire retardant characteristics instead of a fire-retardant slurry as claimed (col. 1, lines 54-60). Applicant respectfully asserts that aqueous solutions do not comprise suspended particles (e.g., solids) as does a slurry comprising suspended boron salt particles as claimed. Richards explicitly supports this by stating: “[t]he term ‘aqueous solution’ does not refer to a solid precipitate or foam, which are entirely distinct characteristics than an aqueous solution” (col. 11, 44-47). As such, Applicants respectfully assert that Richards fails to teach or suggest a water-based slurry comprising a boron salt solution and a plurality of boron salt particles as claimed.

Applicant respectfully asserts that Richards fails to teach or suggest the limitation of “wherein said introducing is performed separately from said adding” as recited in independent Claim 1. As recited in the present application, adhesive is introduced to a ligneous material separately from the adding of a fire-retardant slurry.

In contrast to the claimed embodiments, Applicant understands the cited portion of Richards to teach that adhesive and fire-retardant composition are mixed together prior to applying the resulting mixture to the desired object (col.

11, lines 58-65). Since the adhesive and fire-retardant composition are mixed and then applied together to the object, Applicant respectfully asserts that Richards fails to teach or suggest separate application of an adhesive and fire-retardant composition as claimed.

Applicant respectfully asserts that Richards fails to teach or suggest the limitation of “wherein said creating comprises adding boric acid and borax pentahydrate to water” as recited in Claim 3. As recited in the present application, the water-based slurry is created in part by adding boric acid and borax pentahydrate to water.

In contrast to the claimed embodiments, Applicant respectfully asserts that while Richards may teach a fire-retardant composition, Richards is silent as to the use of boric acid and borax pentahydrate added to water for use in a fire-retardant composition as claimed. As such, Applicant respectfully asserts that Richards fails to teach or suggest a fire-retardant composition comprising boric acid and borax pentahydrate added to water as claimed.

Furthermore, the rejection states that “the reference teaches adding numerous material [sic] in its mixtures during the patented process.” Applicant wishes to respectfully remind the Examiner that “the examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate” and “(B) the difference or differences in the claim over the applied reference(s)” (MPEP §706.02(j)). As such, a mere assertion that Richards teaches “adding numerous material” does not provide Applicant sufficient guidance as to the relevant teachings of the prior art relied upon as

required by the MPEP (e.g., with column and line number references), nor does it set forth the difference or differences in the claim over the applied reference. Therefore, Applicant respectfully requests appropriate correction to the rejection pertaining to Claims 3 in the present application.

Applicant respectfully asserts that Richards fails to teach or suggest the limitation of “wherein said creating further comprises selecting a potential of hydrogen (pH) for said water-based slurry of substantially between 4.5 and 5.2” as recited in Claim 4. As recited in the present application, a water-based slurry is created with a pH of substantially between 4.5 and 5.2.

In contrast to the claimed embodiments, Applicant understands the cited portion of Richards to teach that phosphate-treated wood experienced a reduction in pH of 1.4 to 1.8 units when exposed to heat. The rejection states that “[t]he reference teaches ph [sic] manipulations... as required by claim 4.” Applicant respectfully asserts that a mere pH manipulation does not teach or suggest the claimed embodiments, especially given that the change in pH is related to a phosphate treatment rather than a water-based slurry as claimed. As such, Richards fails to teach or suggest a water-based slurry created with a pH substantially between 4.5 and 5.2 as claimed.

For these reasons, Applicant respectfully asserts that independent Claim 1 is not rendered obvious by Richards, thereby overcoming the 35 U.S.C. §103(a) rejection of record. In accordance with the arguments pertaining to Claims 3 and 4, and given that dependent Claims 2-9 recite further limitations to the invention claimed in independent Claim 1, dependent Claims 2-9 are also not rendered obvious by Richards. Thus, Claims 1-9 are therefore allowable.

CONCLUSION

Applicant respectfully asserts that Claims 1-9 are in condition for allowance and Applicant earnestly solicits such action from the Examiner.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

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